

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHRISTOPHER SCOTT REEDER,

Case No. 3:23-cv-00290-RCJ-CSD

Petitioner,

**ORDER**

v.

TIMOTHY GARRETT, et al.,

Respondents.

This Court previously appointed counsel for Petitioner Christopher Scott Reeder in this habeas corpus action. (ECF No. 3.) On December 1, 2023, counsel filed a first-amended petition on Reeder's behalf and moved for leave to file a second-amended petition. (ECF No. 8, 10.) Respondents opposed the motion, and Reeder replied. (ECF Nos. 11, 12.)

In his motion, Reeder states that he filed his first-amended petition as a protective petition to ensure that all the claims would be preserved as timely filed. (ECF No. 10 at 2.) Reeder requests leave to file a second-amended petition so that he can continue investigating the case, including locating and interviewing witnesses. (*Id.* at 3.) Reeder requests that the Court waive the requirement of LR 15-1(a), explaining that the rule is ill-suited for this situation. (*Id.* at 4.)

Local Rule 15-1(a) states that a proposed amended pleading must be submitted with the motion for leave to amend unless otherwise permitted by the Court. When the Court appoints counsel to represent habeas corpus petitioners, as a matter of course, it gives counsel leave to file an amended petition. The only difference here is that counsel is trying to file a petition before the one-year deadline to minimize the probability that grounds for relief would not relate back to a timely petition. The Court sees no reason to depart from its usual practice in habeas corpus cases of allowing amended petitions under these circumstances. Moreover, under Federal Rule of Civil

1 Procedure 15(a)(2), a party may amend a pleading with the Court's leave, and "[t]he court should  
2 freely give leave when justice so requires." Accordingly, the Court finds that there is good cause  
3 for Reeder to file a second-amended habeas petition, so the Court grants the motion and waives  
4 the requirement of LR 15-1(a). This order does not, however, affect, in any manner, the operation  
5 of the statute of limitations in this case, and the Court does not mean in this order to convey any  
6 opinion whatsoever about when the limitations period expires or expired.

7 **IT IS THEREFORE ORDERED** that the motion (ECF No. 10) is granted. Reeder has up  
8 to and including 60 days from the entry of this order to file a second-amended petition. In all other  
9 respects, the scheduling order entered September 6, 2023 (ECF No. 7) remains in effect.

10 Dated: January 11, 2024

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12 ROBERT C. JONES  
13 UNITED STATES DISTRICT COURT  
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